

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM, the specification of which (check one):

___ is attached hereto

XX was filed on October 8, 1999
as U.S. Application
Serial No. 09/415,594

___ and was amended on (if
applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

Number :
Country :
Day/Month/Year Filed :
Priority (yes/no) :

Number :
Country :
Day/Month/Year Filed :
Priority (yes/no) :

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) as listed below:

Provisional Application No. :
Filing Date :

Provisional Application No. :
Filing Date :

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international applications designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 and that which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. :
Filing Date :
Status (patented, pending, abandoned) :

Application Serial No. :
Filing Date :
Status (patented, pending, abandoned) :

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David M. Crompton, Reg. No. 36,772;
Glenn M. Seager, Reg. No. 36,926;
Brian N. Tufte, Reg. No. 38,638;
Craig F. Taylor, Reg. No. 40,199;
Robert E. Atkinson, Reg. No. 36,433;
Michael A. Kondzella, Reg. No. 18,013; and
Allen W. Groenke, Reg. No. 42,608.

Send correspondence to:

David M. Crompton
CROMPTON, SEAGER & TUFTE, LLC
331 Second Avenue South, Suite 895
Minneapolis, Minnesota 55401-2246
(612) 677-9050

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

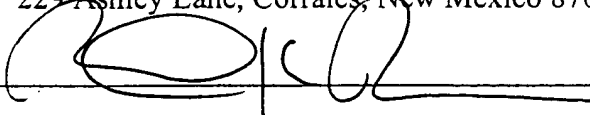
Full name of sole or first inventor: Robert K. Rowe

Residence: 229 Ashley Lane, Corrales, New Mexico 87048

Citizenship: US

Post Office Address: 229 Ashley Lane, Corrales, New Mexico 87048

Inventor's Signature



Date

12/12/99

Full name of second or joint inventor: William A. Miller

Residence: 39 Camino del Valle, Santa Fe, NM 87501

Citizenship: US

Post Office Address: 39 Camino del Valle, Santa Fe, NM 87501

Inventor's Signature



Date

12/11/99

Full name of third or joint inventor: Nanxiang Ge

Residence: 2 Tulip Drive, Newtown, PA 18940

Citizenship: Peoples Republic of China

Post Office Address: 2 Tulip Drive, Newtown, PA 18940

Inventor's Signature



Date

Dec 1st, 1999

Full name of fourth or joint inventor: Mark Ries Robinson

Residence: 1415 Calle de Ranchero NE, Albuquerque, NM 87100

Citizenship: US

Post Office Address: 1415 Calle de Ranchero NE, Albuquerque, NM 87100

Inventor's Signature



Date

Dec 17, 1999

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section.

The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/415,594
	Filing Date	October 8, 1999
	First Named Inventor	Robert K. Rowe
	Group Art Unit	2621
	Examiner Name	Werner, Brian P.
	Attorney Docket Number	020204-001400US

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number



Place Customer
Number Bar Code
Label here

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City					
Country		State		ZIP	
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	Robert K. Rowe, Chief Technology Officer Lumidigm, Inc.
Signature	
Date	11-14-02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of one form is submitted.

Please type a plus sign (+) inside this box → +

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/415,594
	Filing Date	October 8, 1999
	First Named Inventor	Robert K. Rowe
	Title	APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM
	Group Art Unit	2621
	Examiner Name	Werner, Brian P.
	Attorney Docket Number	020204-001400US

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:



20350

PATENT TRADEMARK OFFICE

Name	Registration Number

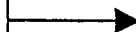
as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number



☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Robert K. Rowe, Chief Technology Officer
Lumidigm, Inc.

Signature

Date

11-14-02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of one form is submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.
DE 7087191 v1

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert K. RoweApplication No./Patent No.: 09/415,594Filed/Issue Date: October 8, 1999Entitled: APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUMLumidigm, Inc. a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Robert K. Rowe et al.To: Rio Grande Medical Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel 010501, Frame 0170, or for which a copy thereof is attached.2. From: Rio Grande Medical Technologies, Inc.To: Lumidigm, Inc.

The document will be recorded in the United States Patent and Trademark Office, for which a copy thereof is attached.

3. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11-14-02

Date

Robert K. Rowe

Typed or printed name

Signature

Chief Technology Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

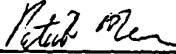
Please type a plus sign (+) inside this box → ☒


Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/832,534; 09/415,594; 09/874,740
	Filing Date	See attached
	First Named Inventor	Robert K. Rowe
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	020204-001300US 001400

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1400.
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP Patrick M. Boucher Reg. No. 44,037	
Signature		
Date	November 14, 2002	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, CG4 Third Floor, Assignment Branch, 1213 Jefferson Davis Highway, Arlington, VA 22202 on this date:		
		November 14, 2002
Typed or printed name	Nina L. McNeill	
Signature		Date November 14, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DE 7087224 v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120

Complete if Known

Application Number 09/832,534; 09/415,594; 09/874,740

Filing Date See attached

First Named Inventor Robert K. Rowe

Examiner Name

Group Art Unit

Attorney Docket No. 020204-061300US 001400

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fees from below	Fee Paid
	-- =	X	
Independent Claims	-- =	X	
Multiple Dependent		X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	120
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)120

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Patrick M. Boucher

Registration No. (Attorney/Agent)

44,037

Telephone

303-571-4000

Signature

Date

November 14, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. DE 7087226 v1

Form PTO-1595

Recordation Form Cover Sheet

U.S. Department of Commerce
U.S. Patent and Trademark Office

PATENTS ONLY

(Rev. 03-01)
OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings ⇄ ⇄ ⇄ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Rio Grande Medical Technologies, Inc.

Additional name(s) of conveying parties attached? ☐ Yes ☒ No.

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other: _____

2. Name and address of receiving party(ies)

Name: Lumidigm, Inc.

Internal Address: 800 Bradbury S.E., Suite 213

Street Address: 800 Bradbury S.E., Suite 213

City: Albuquerque State: NM ZIP: 87106

Additional names and addresses attached? ☐ Yes ☒ No

Execution Date: October 16, 2002 and October 17, 2002

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s):

09/415,594
09/832,534
09/874,740

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patrick M. Boucher
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(303) 571-4000

6. Total number of applications and patents involved 3

7. Total fee (37 CFR 3.41): \$120.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

Patrick M. Boucher

Name of Person Signing
Atty. Reg. No. 44,037

Patrick M. Boucher

Signature

November 14, 2002

Date

Total number of pages including cover sheet, attachments and document

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

WHEREAS, Rio Grande Medical Technologies, Inc., a New Mexico corporation with its principal offices located at 800 Bradbury S.E., Suite 218, Albuquerque, New Mexico 87106, U.S.A., owns all rights, title and interest in the following Biometric Patent Properties:

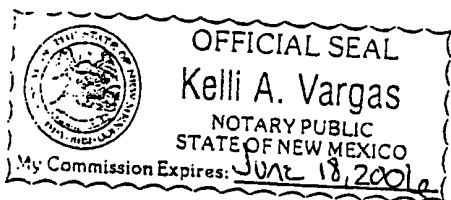
<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
09/415,594	October 8, 1999	Apparatus and Method for Identification of Individuals by Near-Infrared Spectrum
09/832,534	April 11, 2001	Apparatus and Method of Biometric Identification or Verification of Individuals Using Optical Spectroscopy
09/874,740	June 5, 2001	Apparatus and Method of Biometric Determination Using Specialized Optical Spectroscopy Systems

WHEREAS, Lumidigm, Inc., a Delaware corporation with its principal offices located at 800 Bradbury S.E., Suite 213, Albuquerque, New Mexico 87106, U.S.A.;

NOW, THEREFORE, to all whom it may concern, be it known that pursuant to the parties' prior agreement, Rio Grande Medical Technologies, Inc., has assigned and transferred, subject to certain reservations expressed in the prior agreement, the entire right, title and interest in the Biometric Patent Properties disclosed above, Lumidigm CIP's as defined in the prior agreement and divisional applications thereof, and foreign counterparts that correspond to such applications, and the patents that issue from such applications, including but not limited to letters patent and utility models, including any extension, substitution, registration, confirmation, reissue, re-examination or renewal thereof, and the foreign counterparts that correspond to such patents to the extent valid and enforceable rights are granted by a governmental authority thereunder.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16th day of October, 2002.



Rio Grande Medical Technologies, Inc.

By: M. R. N. C. M. P. (Assignor)
Title: President & CEO

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 16 day of October, 2002, before me personally appeared M. R. N. C. M. P. to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17th day of October, 2002.



Lumidigm, Inc.

By: R. M. Harbour (Assignee)
Title:

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 17 day of October, 2002, before me personally appeared R. M. Harbour to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public



UNITED STATES
PATENT AND
TRADEMARK OFFICE

REC'D 001500 VS

APR 14 2003 001300 VS

020204-001400 VS PMB

MARCH 31, 2003

PTAS

TOWNSEND AND TOWNSEND AND DREW LLP
PATRICK M. BOUCHER
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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102297489A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/25/2002

REEL/FRAME: 013522/0869
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

RIO GRANDE MEDICAL TECHNOLOGIES,
INC.

DOC DATE: 10/16/2002

ASSIGNEE:

LUMIDIGM, INC.
800 BRADBURY S.E., STE. 213
ALBUQUERQUE, NEW MEXICO 87106

SERIAL NUMBER: 09415594
PATENT NUMBER:

FILING DATE: 10/08/1999
ISSUE DATE:

SERIAL NUMBER: 09832534
PATENT NUMBER:

FILING DATE: 04/11/2001
ISSUE DATE:

SERIAL NUMBER: 09874740
PATENT NUMBER:

FILING DATE: 06/05/2001
ISSUE DATE:

013522/0869 PAGE 2

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

NOV. 25 2002

12-02-2002

001400
Attorney Docket No. 020204-001300US

Form PTO-1595

(Rev. 06-01-2001)
OMB No. 0651-0027 (exp. 5/31/2002)

102297489

Sheet

U.S. Department of Commerce
U.S. Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Rio Grande Medical Technologies, Inc.

Additional name(s) of conveying parties attached? ☐ Yes ☒ No.

3. Nature of conveyance:

// 25-22

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other: _____

2. Name and address of receiving party(ies)

Name: Lumidigm, Inc.Internal Address: 800 Bradbury S.E., Suite 213Street Address: 800 Bradbury S.E., Suite 213City: Albuquerque State: NM ZIP: 87106Additional names and addresses attached? ☐ Yes ☒ NoExecution Date: October 16, 2002 and October 17, 2002

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s):

09/415,594

09/832,534

09/874,740

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patrick M. Boucher
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(303) 571-4000

6. Total number of applications and patents involved 3

7. Total fee (37 CFR 3.41): \$120.00☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.

Patrick M. Boucher

Name of Person Signing
Atty. Reg. No. 44,037

Signature

November 14, 2002

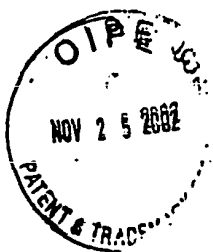
Date

Total number of pages including cover sheet, attachments and document

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks, Box Assignments

Washington, D.C. 20231



ASSIGNMENT

WHEREAS, Rio Grande Medical Technologies, Inc., a New Mexico corporation with its principal offices located at 800 Bradbury S.E., Suite 218, Albuquerque, New Mexico 87106, U.S.A., owns all rights, title and interest in the following Biometric Patent Properties:

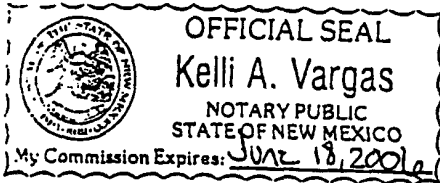
<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
09/415,594	October 8, 1999	Apparatus and Method for Identification of Individuals by Near-Infrared Spectrum
09/832,534	April 11, 2001	Apparatus and Method of Biometric Identification or Verification of Individuals Using Optical Spectroscopy
09/874,740	June 5, 2001	Apparatus and Method of Biometric Determination Using Specialized Optical Spectroscopy Systems

WHEREAS, Lumidigm, Inc., a Delaware corporation with its principal offices located at 800 Bradbury S.E., Suite 213, Albuquerque, New Mexico 87106, U.S.A.;

NOW, THEREFORE, to all whom it may concern, be it known that pursuant to the parties' prior agreement, Rio Grande Medical Technologies, Inc., has assigned and transferred, subject to certain reservations expressed in the prior agreement, the entire right, title and interest in the Biometric Patent Properties disclosed above, Lumidigm CIP's as defined in the prior agreement and divisional applications thereof, and foreign counterparts that correspond to such applications, and the patents that issue from such applications, including but not limited to letters patent and utility models, including any extension, substitution, registration, confirmation, reissue, re-examination or renewal thereof, and the foreign counterparts that correspond to such patents to the extent valid and enforceable rights are granted by a governmental authority thereunder.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16th day of October, 2002.



Rio Grande Medical Technologies, Inc.

M. R. N. C. M. P. (Assignor)
By:
Title: President & CEO

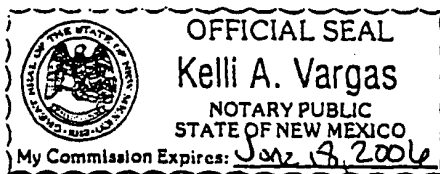
STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 16 day of October, 2002, before me personally appeared M. Rios Robinson to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 17th day of October, 2002.



Lumidigm, Inc.

R. M. Harbour (Assignee)
By:
Title:

STATE OF New Mexico)
) ss.

COUNTY OF Bernalillo)

On this 17 day of October, 2002, before me personally appeared R. M. Harbour to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Kelli A. Vargas
Notary Public



DG

PATENT
P5883 US
0045.0046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: Not Yet Assigned
F. Chong, Jr. et al.)	
Serial No.: 10/104,923)	
Filed: March 21, 2002)	Art Unit: 2152
For: MESSAGE ROUTING IN A)	
TORUS INTERCONNECT)	
)	
)	
)	
)	

Assistant Commissioner of Patents
Washington, D.C. 20231

TRANSMITTAL OF RESUBMITTED ASSIGNMENT

Dear Sirs:

In response to your Notice of Non-Recordation dated October 22, 2002, a copy of which is attached, enclosed please find a new Recordation Form Cover Sheet and the Assignment Documents for the subject application.

Respectfully submitted,

David W. Victor
Registration No. 39,867
KONRAD RAYNES VICTOR & MANN, LLP
315 S. Beverly Drive, Suite 210
Beverly Hills, CA 90212
(310) 556-7983
(310) 556-7984 (fax)

Dated: November 15, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on November 15, 2002.

David W. Victor 11/15/02
(Date)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APRIL 05, 2000

PTAS

CROMPTON, SEAGER & TUFTE, LLC
DAVID M. CROMPTON
331 SECOND AVENUE SOUTH, SUITE 895
MINNEAPOLIS, MN 55401



101252378A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 12/27/1999

REEL/FRAME: 010501/0170
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ROWE, ROBERT K.

DOC DATE: 12/17/1999

ASSIGNOR:

MILLER, WILLIAM A.

DOC DATE: 12/14/1999

ASSIGNOR:

GE, NANXIANG

DOC DATE: 12/03/1999

ASSIGNOR:

ROBINSON, MARK R.

DOC DATE: 12/17/1999

ASSIGNEE:

RIO GRANDE MEDICAL TECHNOLOGIES,
INC.

800 BRADBURY S.E., SUITE 217
ALBUQUERQUE, NEW MEXICO 87106

SERIAL NUMBER: 09415594

PATENT NUMBER:

FILING DATE: 10/08/1999
ISSUE DATE:

010501/0170 PAGE 2

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

MAJ
12/27/99



To the Honor
Please record the attached original document(s) or copy thereof.

101252378

ademarks:

1. Name of conveying party(ies):

Robert K. Rowe
William A. Miller
Nanxiang Ge
Mark R. Robinson

2. Name and address of receiving party(ies):

Name: Rio Grande Medical Technologies, Inc.

Internal Address:

Additional name(s) of conveying party(ies)
attached? ☐ Yes ☒ No

Street Address: 800 Bradbury S.E., Suite 217

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

City: Albuquerque State: New Mexico ZIP: 87106

Additional name(s) & addresses attached?

☐ Yes ☒ No

Execution Date: December 17, 1999; December 14, 1999;
December 3, 1999; and December 17, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)
09/415,594

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: CROMPTON, SEAGER & TUFTE, LLC

Address: 331 Second Avenue South, Suite 895
Minneapolis, MN 55401

6. Total number of applications and patents
involved: 1

7. Total fee (37 CFR 3.41). \$40.00

☒ Enclosed

☐ Authorized to be charged to deposit
account

8. Deposit Account Number: 50-0413

(Attach duplicate copy of this page if
paying by deposit account)

01/27/2000 DNGUYEN 00000112 09415594

DO NOT USE THIS SPACE

01 FC:581

40.00 DP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy
is a true copy of the original document.

David M. Crompton

Name of Person Signing

Signature

Date

12/23/99

Total number of pages comprising cover sheet, attachments and document: 4

ASSIGNMENT

WHEREAS, Robert K. Rowe residing at 229 Ashley Lane, Corrales, NM 87048; William A. Miller residing at 39 Camino del Valle, Santa Fe, NM 87501; Nanxiang Ge residing at 2 Tulip Drive, Newtown, PA 18940; and Mark R. Robinson, residing at 1415 Calle de Ranchero NE, Albuquerque, NM 87106 have made certain new and useful inventions and improvements for which they have executed an application for Letters Patent of the United States, which is entitled APPARATUS AND METHOD FOR IDENTIFICATION OF INDIVIDUALS BY NEAR-INFRARED SPECTRUM, filed on October 8, 1999, as U.S. Serial No. 09/415,594;

AND WHEREAS, Rio Grande Medical Technologies, Inc., a corporation organized and existing under and by virtue of the laws of the State of New Mexico, and having a business address of 800 Bradbury S.E., Suite 217, Albuquerque, New Mexico 87106 is desirous of acquiring the entire right, title and interest in and to said inventions, improvements, application, and Letters Patent to be obtained therefor;

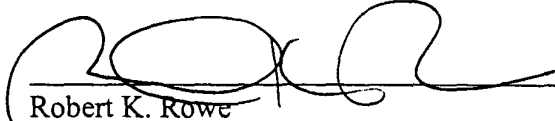
NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Rio Grande Medical Technologies, Inc., its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents to issue any and all United States Letters Patent for the aforesaid inventions and improvements to said Rio Grande Medical Technologies, Inc., its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any other documents, and will communicate to said Rio Grande Medical Technologies, Inc., its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable to more effectually secure to and vest in Rio Grande Medical Technologies, Inc., its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, we, Robert K. Rowe, William A. Miller, Nanxiang Ge, and Mark R. Robinson covenant and agree with said Rio Grande Medical Technologies, Inc., its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

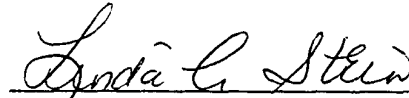
The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

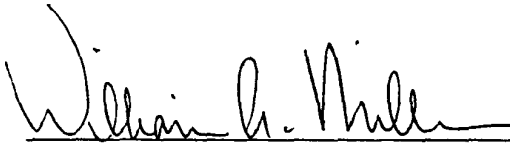
IN TESTIMONY WHEREOF, I have hereunto set my hands this 17 day of December, 1999


Robert K. Rowe

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

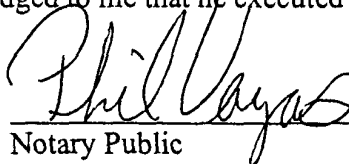
On this 17 day of December, 1999, before me personally appeared Robert K. Rowe to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.


Notary Public
Expiration - 1-19-02


William A. Miller

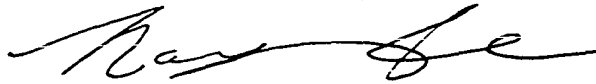
STATE OF New Mexico)
) ss.
COUNTY OF SANTA FE)

On this 14th day of December, 1999, before me personally appeared William A. Miller to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.


Notary Public



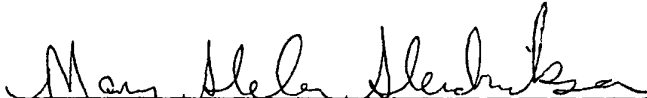
OFFICIAL SEAL
PHIL VARGAS
NOTARY PUBLIC-STATE OF NEW MEXICO
My Comm. Expires 5/15/02



Nanxiang Ge

STATE OF New Jersey)
) ss.
COUNTY OF Mercer)

On this 3 day of December, 1999, before me personally appeared Nanxiang Ge to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.



Notary Public

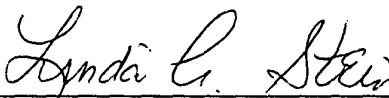
MARY HELEN HENDRICKSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 4, 2003



Mark R. Robinson

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

On this 17 day of December, 1999, before me personally appeared Mark R. Robinson to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.



Notary Public

expiration - 1-19-02